

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SEP 14 2011

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

FORT DEARBORN LIFE INSURANCE)
COMPANY,)

Plaintiff,)

v.)

CASE NUMBER: 1:11-cv-00092-SM

DEBRA HUBBARD, NELIA GIBSON,)
MARK D. SPAULDING and BOBBIE)
JO GUYER,)

Defendants.)

**STIPULATION OF DISMISSAL WITH PREJUDICE AND REQUEST FOR WITHDRAWAL OF
FUNDS DEPOSITED WITH THE CLERK OF COURT AND THE COURT REGISTRY
INVESTMENT SYSTEM**

Pursuant to Rule 41 (a)(1)(ii) and (c)(2) of the Federal Rules of Civil Procedure, the parties to the above-entitled action hereby stipulate that said action be dismissed with prejudice, and with each party bearing its own costs and attorneys' fees.

Furthermore, the parties request that the Court make the following findings:

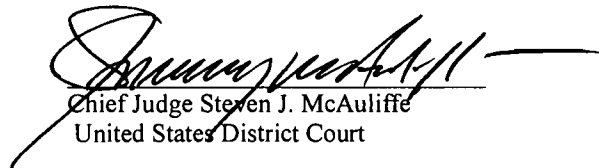
1. The Court finds that Jodie Gibson passed away on or about October 27, 2010.
2. The Court further finds that Jodie Gibson was insured under a Group policy for group term life insurance issued by Medical Life Insurance Company, which later merged into Fort Dearborn Life Insurance Company ("FDLIC"), to the Hanover Hill Health Care Center, with a group policy number of SA04891.
3. The Court further finds that the life insurance policy was in effect at the time of Jodie Gibson's death.
4. The Court further finds that the death benefit on said life insurance policy is \$100,000.00.

5. The Court further finds that the defendants, at one time, disputed the manner in which the funds were to be distributed.
6. The Court further finds that the plaintiff FDLIC has at no time denied liability with regard to owing the \$100,000 life insurance policy proceeds, and has actually admitted liability, and has already tendered and deposited the life policy proceeds to the Clerk of Court, in the amount of \$100,000, plus interest due pursuant to N.H. RSA 408.10-a.
7. The Court further finds that the parties have reached an agreement with regard to distributing the life insurance policy proceeds. The division of the life insurance policy proceeds is to be confidential. The parties have agreed to have this Court release and pay out the full \$100,000, plus interest, that was deposited with the Clerk of Court, less the registry fee assessment, directly to the law firm "Hage Hodes, P.A.". After this money is received by Hage Hodes, P.A., attorneys Jamie Hage and James Normand will divide up this money in accordance with an agreement reached by and between attorneys Hage and Normand.
8. The Court further finds that the parties, each by their respective counsel, stipulate and agree to the dismissal of this case, with prejudice, each party bearing its own costs and attorneys' fees.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED, AND DECREED that the agreement of the parties hereinabove set out be and is hereby APPROVED, CONFIRMED, and RATIFIED and the same shall be an ORDER of this Court. IT IS FURTHER ORDERED that this Court's Registry disburse the \$100,000 life insurance policy proceeds (plus interest) as set forth in this agreement and proposed Order.

This entire matter is hereby DISMISSED, with prejudice, with each party to bear its own costs and attorneys' fees.

SO ORDERED this 14th day of September 2011.


Chief Judge Steven J. McAuliffe
United States District Court

Respectfully submitted,

FORT DEARBORN LIFE INSURANCE COMPANY

Dated: September 14, 2011 By: /s/ Jonathan M. Eck
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Respectfully submitted,

DEBRA HUBBARD and NELIA GIBSON

Dated: September 14, 2011 By: /s/ Jamie N. Hage
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Respectfully submitted,

MARD D. SPAULDING and BOBBIE JO GUYER

Dated: September 14, 2011 By: /s/ James A. Normand
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via operation of the Court's Electronic Case Filing System on this 14th day of September, 2011, on all counsel of record.

/s/ Jonathan M. Eck
Jonathan M. Eck, Esq. (Bar No. 17684)